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A Delaware Limited Liability Partnership

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*Attorneys for Mark Graham, Blue Capital Management, Inc.,
Blue Alternative Asset Management, LLC,
Blue Elite Fund, Ltd., Blue Elite Fund, L.P., Blue II, Ltd.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREAT WESTERN INSURANCE COMPANY,	:
Plaintiffs,	:
v.	:
MARK GRAHAM, DONALD SOLOW, BLUE	:
CAPITAL MANAGEMENT, INC., BLUE	:
ALTERNATIVE ASSET MANAGEMENT LLC,	:
WILMINGTON SAVINGS FUND SOCIETY,	:
FSB, CHRISTIANA TRUST, REGATTA	:
HOLDINGS LLC, CYGNET 001 MASTER	:
TRUST, CYGNET 001 MASTER TRUST SERIES	:
2011-A, CYGNET 001 MASTER TRUST SERIES	:
2011-C, CYGNET 001 MASTER TRUST SERIES	:
2013-A, ALPHA RE LIMITED, ALPHA RE	:
HOLDINGS (CAYMAN) LIMITED, ATLANTIC	:
SPECIALTY FINANCE, BLUE ELITE FUND	:
LTD., BLUE ELITE FUND LP, BLUE II LTD.,	:
SANCUS CAPITAL BLUE CREDIT	:
OPPORTUNITIES FUND LTD., ABILITY	:
INSURANCE COMPANY, JOHN DRAKE,	:
EDWARD BRENDAN LYNCH, AND GREGORY	:
TOLARAM.	:
Defendants.	:

NOTICE OF MOTION TO DISMISS
COMPLAINT PURSUANT TO FED. R.
CIV. P. 12(b)(2) AND 12(b)(6) BY BLUE
DEFENDANTS

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PLEASE TAKE NOTICE that on a date and time set at the convenience of the Court, Defendants Mark Graham, Blue Capital Management, Inc., Blue Alternative Asset Management, LLC, Blue Elite Fund, Ltd., Blue Elite Fund, L.P., and Blue II, Ltd., by and through their attorneys Duane Morris LLP, shall move before the Honorable Vernon S. Broderick, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an Order dismissing Plaintiff's First Amended Complaint with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(2) and (6). In support of this motion, Defendants will rely on the accompanying memorandum of law and declaration. Oral argument is requested.

Dated: October 31, 2018

DUANE MORRIS LLP
A DELAWARE LIMITED LIABILITY PARTNERSHIP

/s/ Eric R. Breslin

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